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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/794,332	02/03/97	CHAMBERS	W 623-00027

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EXAMINER

ROWAN, K

ART UNIT

PAPER NUMBER

3205

DATE MAILED:

12/30/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**08/794,332**

Applicant(s)

**Chambers**

Examiner

**Kurt Rowan**

Group Art Unit  
**3205**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-28 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3205

## **DETAILED ACTION**

### ***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1,3,4, 5, 9-11, 16, 18, 19, 20, 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Adam.

The patent to Adam shows a fishing lure with a head with first and second legs projecting rearwardly from the rear portion of the head. The legs define inner edges and outer edges.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 3205

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam as applied to claim 1d above, and further in view of Coody.

The patents to Adam and Coody show fishing lures. Adam has been discussed above. Coody shows a rib 19 on outer edge of each leg 20 in Fig. 2 that extends across the leg and the length of the leg. It would have been obvious to provide Adam with a rib as shown by Coody to entrain air bubbles.

6. Claims 6-8, 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam as applied to claim 1 above, and further in view of Koonz.

The patents to Adam and Koonz show fishing lures. Adam has been discussed above. Koonz shows a plurality of cylindrical nipples 27 in Fig. 6. In reference to claims 6-8 and 12-15, it would have been obvious to provide Adam with nipples as shown by Koonz to increase light reflection to attract more fish. The location of the nipples would have been within the purview of one of ordinary skill in the art.

7. Claims 17 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam as applied to claim 1 above, and further in view of Wilson.

The patents to Adam and Wilson show fishing lures. Adam has been discussed above. Wilson shows a lure with an inner leg having a liear portion adjacent the rearward end of the leg and a concave arcuate portion projecting toward the outer edge of the leg forwardly of the liear portion.

Art Unit: 3205

In reference to claims 17 and 28, it would have been obvious to provide Adam with legs as shown by Wilson since merely the substitution of one leg structure for another is contemplated. The leg structure of Wilson does appear to be more natural looking.

8. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adam as applied to claim 19 above, and further in view of Stanley et al..

The patents to Adam and Stanley show fishing lures. Stanley shows a lure with a rear leg portion 29 with a projection extending rearwardly (not labeled but the split tail acts as a rear projection). In reference to claims 22-23, it would have been obvious to provide Adam with a rear projection as shown by Stanley to provide more movement to the action of the legs. In reference to claim 24, it appears that the proposed combination will facilitate movement of the legs in a direction transverse to the lateral movement of the legs as the bait is drawn through the water. In reference to claim 25, Adam shows means on the head to agitate the body of water which is taken to be the protruding eyes.

9. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adam.

The patent to Adam shows a fishing lure as discussed above. Adam shows all the elements recited with the exception of the rib protruding at the outer edge of the leg. However, it would have been obvious to provide a reinforcing structure to each leg so that the legs maintain their shape as the lure is drawn through the water.

Art Unit: 3205

*Conclusion*

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Freeman, and Foss show other lures with trailing legs.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is (703) 308-2321.

*Kurt Rowan*

KURT ROWAN  
PRIMARY EXAMINER  
GROUP 3200

KR

December 22, 1997